

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed January 27, 2010. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Claims 1-13, 15-29 and 31 remain in this application. Claims 1, 21 and 26 have been amended. The claims are not believed to be narrowed in scope and no new matter is added.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Tuesday, April 6, 2010. During the telephonic interview proposed amendments to Claim 1 were discussed. The Examiner agreed that the proposed amendments appeared to overcome the cited art, however, a further search would be required. The Examiner also pointed out certain changes required to the proposed amendments for clarity and with consideration towards proper antecedent basis. Applicants appreciate the Examiner's recommendations and will implement them in Applicant's response. The Examiner further indicated that Applicant should provide supporting evidence to be found in Applicant's specification regarding Applicant's claiming multiple (more than two) partitions. Upon further review Applicants have elected to claim two partitions.

Claim Rejections under 35 USC 112, second paragraph

In the Office Action, claims 1-13, 15-29, and 31 was rejected under 35 U.S.C. §112, second paragraph. The rejection of independent claims 1, 21 is understood to be based on the premise that they recite "...to define a not necessarily contiguous space associated with the partition" as being indefinite because it is unclear which partition or partitions are being modified by the new limitations. The Examiner further notes that there is also a lack of antecedent basis since "the partition" is recited before a first partition or a second partition are mentioned in the present claims. Applicants have amended independent claims 1, 21 and 26 in a manner which is believed to obviate the rejections under 35 U.S.C. 112, second paragraph.

Rejections under 35 U.S.C. §103(a)

The Office rejects Claims 1, 3, 4, 9, 10, 13, 15, 26 and 28 under 35 U.S.C. §103(a) over U.S. Patent No. 6,901,210 (“Heo”) in view of U.S. Patent No. 6,693,869 (“Ballantyne”), further in view of U.S. Patent No. 6,636,958 (“Abboud”), and further in view of U.S. Patent No. 6,260,043 (“Puri”) and further in view of U.S. Patent No. 5,757,571 (“Basham”). Applicants respectfully traverse the rejections.

Claims 1, 3, 4, 9, 10, 13, 15, 26 and 28 are allowable

Independent claim 1 has been amended herein to better define Applicant’s invention over the combination of Heo, Ballantyne, Abboud, Puri and Basham. It is therefore respectfully submitted that claim 1 now recite limitations and/or features which are not disclosed by Heo, Ballantyne, Abboud, Puri and Basham, individually and in combination. Accordingly, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not anticipate claim 1, because the cited portions of Heo, Ballantyne, Abboud, Puri and Basham fail to disclose every element of claim 1. For example, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham fail to disclose or suggest,

“A drive device for providing access to a record carrier having a universal disc format standardized to be independent of an application format used on said record carrier thus allowing files to be written on the record carrier in multiple formats while allowing specific low level optimizations for specific applications, said drive device comprising:

access means for providing at least one of a read access and a write access to at least one predetermined parameter written on a predetermined navigation area on said record carrier, said at least one predetermined parameter specifying at least one of a logical format and an application format used on said record carrier,

wherein said access means is arranged to write to said navigation area a location information of data accessed at a rate higher than an access pattern information for sequential data retrieval,

wherein the record carrier is partitioned into separate areas, where the areas are in units of fragments, the partitions comprising at least a first partition assigned to a basic file system and a second partition presentable to legacy devices for storing files in at least a first file format associated with a first legacy device and a second file format associated with a second legacy device so that a first access device accesses first content in said first file format and a second access device accesses second content in said second file format, the first content type being different from the second content type, and

wherein said access means is further configured to see all files of multiple formats included in the record carrier including recognizing a file having one format on the record carrier without understanding content of the file, and ignoring the file having the one format, wherein said at least one predetermined parameter further specifies a partition descriptor information (PD) for specifying a fragment allocation to define a not necessarily contiguous space associated with each of said first and second partitions, wherein remaining unassigned fragment allocations may be dynamically assigned to one of the at least first and second partitions, thereby dynamically extending the first and second partitions,” as recited by Applicants claim 1 in its entirety. [Emphasis Added]

Applicants respectfully submit that the invention is directed to a flexible logical format PB as defined in a disk navigation area DN which allows for multiple content types to coexist on a single disc and allow multiple devices to all read the same disc. In addition, legacy devices that are unaware of the SFFO (Small Form Factor Optical) or (portable blue) PB format can also use PB discs. The basic disc format allows for partitioning so that one partition can be assigned to the basic file system, and a second partition can be assigned to multiple legacy devices, free space can be dynamically moved between the two partitions. It is respectfully submitted that none of Heo/Ballantyne/Abboud/Pur/Basham teach a fragmented record carrier having a fragment allocation which accommodates non-contiguous data sections and wherein remaining unassigned fragment allocations may be dynamically assigned to one of the at least first and second partitions, thereby dynamically extending the first and second partitions. Therefore, the cited portions of the above references fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 3, 4, 9, 10, 13, 15, and 28 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1.

Independent Claim 26 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 26 is believed to recite statutory subject matter under 35 USC 103(a).

Claims 2, 5, 7, 8, 11 and 12 are allowable

The Office rejects Claims 2, 5, 7, 8, 11 and 12 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claim 1 and further in view of U.S. Patent Application No. 2002/0181376 (“Acker”). Applicants

respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claims 2, 5, 7, 8, 11 and 12 depend. Acker does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne and Abboud. Acker is cited merely for teaching at least one predetermined parameter comprises a disc descriptor information for specifying at least one of an identification of said record carrier, a type of said record carrier, and parameters applying to said record carrier as a whole.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Acker, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 2, 5, 7, 8, 11 and 12 are allowable, at least by virtue of their respective dependence from claim 1.

Claim 6 is allowable

The Office rejects Claim 6 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claim 1 and further in view of U.S. Patent Application No. 2002/0131767 (“Auwens”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claim 6 depends. Auwens does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud, Puri and Basham. Auwens is cited merely for teaching caching control information recorded by a drive device.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Auwens, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claim 6 is allowable, at least by virtue of its respective dependence from claim 1.

Claims 16 and 17 are allowable

The Office rejects Claims 16 and 17 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claim 1 and further in view of U.S. Patent Application No. 2003/0103429 (“Senshu”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claims 16 and 17 depend. Senshu does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud, Puri and Basham. Senshu is cited merely for teaching said access means is arranged to apply a volume-based rights management to sessions of an information area of said record carrier.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Senshu, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 16 and 17 are allowable, at least by virtue of their respective dependence from claim 1.

Claim 18 is allowable

The Office rejects Claim 6 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claim 1 and further in view of U.S. Patent No. 6,792,437 (“Rafanello”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claim 18 depends. Rafanello does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud, Puri and Basham. Rafanello is cited merely for teaching a drive device that is a removable drive device for an optical disc.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Rafanello, individually or in combination, do not disclose or suggest each and every element of claim 1.

Hence claim 1 is allowable and claim 18 is allowable, at least by virtue of its respective dependence from claim 1.

Claims 19 and 20 are allowable

The Office rejects Claims 19 and 20 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claim 1 and further in view of U.S. Patent Application No. 2003/009334 (“Printz”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claims 19 and 20 depend. Printz does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud, Puri and Basham. Printz is cited merely for teaching said drive device comprises a standard interface for storage devices.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Printz, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 19 and 20 are allowable, at least by virtue of their respective dependence from claim 1.

Claims 21-24 are allowable

The Office rejects Claims 19 and 20 under 35 U.S.C. §103(a) over Acker in view of Heo further in view of Abboud and further in view of Puri and further in view of Basham.

Independent Claim 21 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. As explained above, the cited portions of Acker, Heo, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1. Hence, for at least the same reasons given for Claim 1, Claim 21 is believed to recite statutory subject matter under 35 USC 103(a).

Claims 22-24 depend from claim 21, and are therefore allowable at least by virtue of their dependence from allowable claim 21.

Claim 25 is allowable

The Office rejects Claim 25 under 35 U.S.C. §103(a) over Heo in view of Abboud in view of Puri in view of Basham as applied to claim 21 and further in view of U.S. Patent Application No. 2002/0064111 (“Horie”). Applicants respectfully traverse the rejection.

As explained above, the cited portions of Heo, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 21 from which claim 25 depends. Horie does not disclose each of the elements of claim 21 that are not disclosed by Heo, Abboud, Puri and Basham. Horie is cited merely for teaching that sessions have varying size.

Thus, the cited portions of Heo, Abboud, Puri, Basham and Horie, individually or in combination, do not disclose or suggest each and every element of claim 21. Hence claim 21 is allowable and claim 25 is allowable, at least by virtue of its respective dependence from claim 21.

Claims 27 and 31 are allowable

The Office rejects Claims 27 and 31 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri in view of Basham as applied to claims 1 and 26 and further in view of U.S. Patent No. 6,081,447 (“Lofgren”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 1 from which claims 27 depends and claim 26 from which claim 31 depends. Lofgren does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud Puri and Basham. Lofgren is cited merely for teaching at least one predetermined parameter further specifies an allocation history of volatile files and, based on the history, said access means being further configured to re-allocate volatile files if written as many times as half an expected recyclability of the record carrier.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri, Basham and Lofgren, individually or in combination, do not disclose or suggest each and every element of claim 1 or claim 26. Hence claim 1 and claim 26 are allowable and claims 27 and 31 are allowable, at least by virtue of their respective dependence from claims 1 and 26.

Claim 29 is allowable

The Office rejects Claim 29 under 35 U.S.C. §103(a) over Acker in view of Heo in view of Abboud in view of Puri in view of Basham and further in view of Lofgren. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Acker, Heo, Abboud, Puri and Basham do not disclose or suggest each and every element of claim 21 from which claim 29 depends. Lofgren does not disclose each of the elements of claim 21 that are not disclosed by Acker, Heo, Abboud, Puri and Basham. Lofgren is cited merely for teaching at least one predetermined parameter further specifies an allocation history of volatile files.

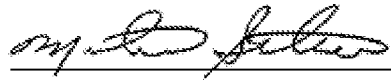
Thus, the cited portions of Acker, Heo, Abboud, Puri, Basham and Lofgren, individually or in combination, do not disclose or suggest each and every element of claim 21. Hence claim 21 is allowable and claim 29 is allowable, at least by virtue of its respective dependence from claim 21.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13, 15-29 and 31 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Scaturro", is written over a horizontal line.

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